

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

v.

JOHN DOE subscriber assigned IP address  
24.7.203.5,

Defendant.

Civil Case No. 0:18-cv-00773-JRT-DTS

**PLAINTIFF’S FOURTH *EX-PARTE* APPLICATION FOR EXTENSION OF TIME  
WITHIN WHICH TO EFFECTUATE SERVICE ON JOHN DOE DEFENDANT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Strike 3 Holdings, LLC (“Plaintiff”), makes this fourth *ex-parte* application for entry of an order extending the time within which to effectuate service on John Doe Defendant, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their Internet service provider (“ISP”).
2. On April 19, 2018, Plaintiff filed a Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference (“Motion”) in order to serve a third party subpoena on Defendant’s ISP to obtain the Defendant’s identifying information [CM/ECF 5].
3. On April 30, 2018, the Court denied Plaintiff’s Motion [CM/ECF 14].
4. On May 11, 2018, Plaintiff filed its Objection to Magistrate Judge’s Order (“Objection”), which is currently pending before the Court [CM/ECF 15].

5. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff was required to effectuate service on the Defendant no later than June 19, 2018. On June 19, 2018, Plaintiff filed its First Application for Extension of Time Within Which to Effectuate Service (“First Application”) [CM/ECF 16]. On June 21, 2018, the Court granted Plaintiff’s First Application, extending the deadline to effect service until August 18, 2018 [CM/ECF 18].

6. On August 17, 2018, Plaintiff filed its Second Application for Extension of Time Within Which to Effectuate Service (“Second Application”) [CM/ECF 19]. On August 20, 2018, the Court granted Plaintiff’s Second Application, extending the deadline to effect service until October 17, 2018 [CM/ECF 21].

7. On October 17, 2018, Plaintiff filed its Third Application for Extension of Time Within Which to Effectuate Service (“Third Application”) [CM/ECF 22]. On October 18, 2018, the Court granted Plaintiff’s Third Application, extending the deadline to effect service until December 16, 2018 [CM/ECF 24].

8. Because Plaintiff’s Objection is pending before the Court, Defendant’s identity currently remains unknown to Plaintiff, and Plaintiff is unable to comply with the current service deadline.

9. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended an additional sixty (60) days, or until February 15, 2019.

10. This fourth application is made in good faith and not for the purpose of undue delay.

11. This is Plaintiff’s fourth request for an extension. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until February 15, 2019. A proposed order is attached for the Court's convenience.

Dated: December 17, 2018

Respectfully submitted,

**FOX ROTHSCHILD, LLP**

By: /s/ Adam P. Gislason  
Adam P. Gislason, Esq. (#0324176)  
agislason@foxrothschild.com  
Campbell Mithun Tower  
222 South Ninth Street Suite 2000  
Minneapolis MN 55402-3338  
Tel.: (612) 607-7000  
Fax: (612) 607-7100  
[www.foxrothschild.com](http://www.foxrothschild.com)  
*Attorneys for Plaintiff*